

REMARKS/ARGUMENTS

The Final Office Action of March 17, 2005 and the Advisory Office Action of July 1, 2005 have been carefully reviewed and this paper and RCE is Applicant's response thereto. Applicant notes that the substance of this response is substantially similar to the Applicants prior response mail on June 17, 2005. Applicant respectfully requests reconsideration of the Application in view of the foregoing Amendments and Remarks.

Claims 1-9, 11-23, 25-39, 41-49 and 51-59 are pending. Claims 10, 24 and 40 have been cancelled. Claims 2-4 12, 14-17, 25-28, 30-34, 41, 42, 44-49 and 51-59 were deemed allowable. Claims 1, 5-11, 13, 18-24, 29, 35-40, and 43 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,083,350 to Sandreid *et al.* ("Sandreid").

Amendment to the Claims

Independent claims 1, 13 and 29 have been amended. The feature regarding the coupling surface has been removed from claims 1, 13 and 29. Claims 1 now recites "wherein the saddle member moves generally transverse to the elongate member." Claim 13 now recites "wherein the platen is moved generally transverse to the elongate member." Claim 29 now recites "wherein the saddle member and the platen move generally transverse to the elongate member." Support for these amendments is found, for example, in paragraph 9 of the specification as filed:

Because the lever of the present invention does not act directly on the surface of the elongate member, and because the saddle member and platen apply force in a direction that is generally transverse to the elongate member, the elongate member may be clamped in a safe and efficient manner without potentially damaging compressive or shear forces. Clamping a tensioned cable through a clamp with an end to end linear aperture requires that all normal forces on the cable be generated by the clamp closing down on the cable. However, a tensioned cable through a clamp with an undulating or otherwise non-linear aperture can generate normal force on the cable by simply applying tension to the cable. With tension, the cable attempts to straighten and consequently applies normal forces to the obstructing internal surfaces of the clamp. These cable tension induced normal forces reduce the normal forces required to be generated by the clamp body through action of the lever.

Therefore, no new matter has been added.

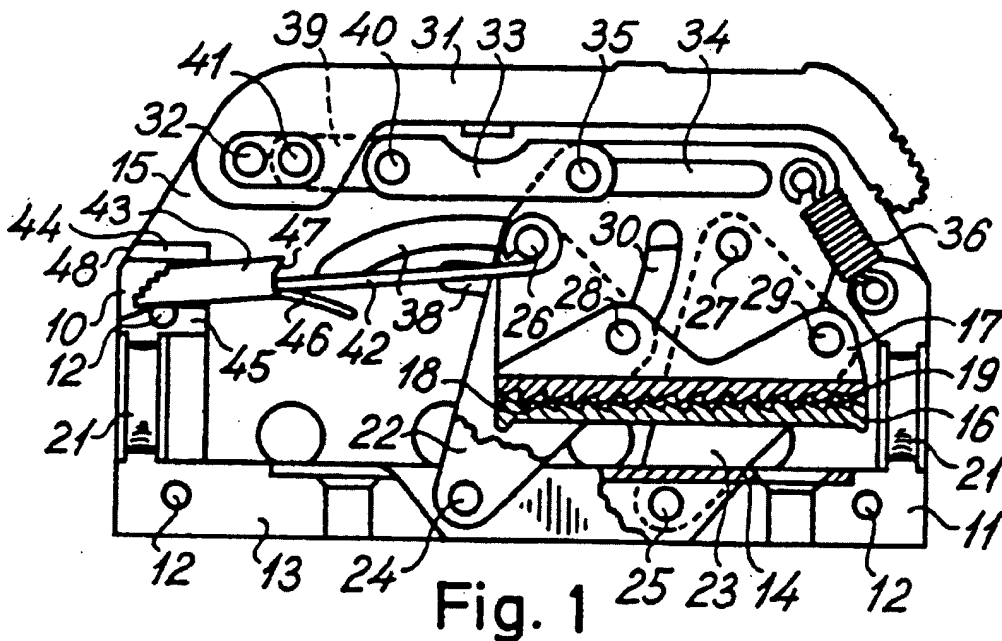
Cancelled Claims

Claims 10, 24 and 40 have been cancelled. Therefore, the rejection of claims 10, 24 and 40 is deemed moot.

Rejection Under 35 U.S.C § 102(b) - Sandried

Independent claims 1, 13, and 29 were rejected under 35 U.S.C. §102(b) as being anticipated by Sandried. As noted above, independent claims 1, 13, and 29 have been amended.

Figure 1 of Sandried is provided below:



As illustrated in Figure 1, swinging links 22 and 23 are mounted to pivot pins 24 and 25, respectively. (See Sandried, Col. 4, L. 52-54). By pivoting the swinging links 22 and 23 about the pivot pins 24 and 25, the jaw members 16 and 17 may engage the rope. (Sandried, Col. 4, L. 49-60). Sandried's jaw members 16, 17, however, do not move generally transverse to the rope. Nor would there be any reason to modify Sandried because the rope used in Sandried is not harmed by the non-transverse movement of the jaw members 16, 17.

Independent claim 1 recites "wherein the saddle member moves generally transverse to the elongate member." As noted above, Sandried fails to disclose such a feature. Therefore, as Sandried does not disclose all the features of claim 1, Sandried cannot be said to anticipate claim 1. Accordingly, Applicant respectfully submits that claim 1 is in condition for allowance.

Claims 5-9 and 11 depend from claim 1 and are believed to be in condition for at least the reasons discussed above and for the additional limitations recited therein.

Independent claim 13 recites "wherein the platen is moved generally transverse to the elongate member." As noted above, Sandried fails to disclose such a feature. Therefore, as Sandried does not disclose all the features of claim 13, Sandried cannot be said to anticipate claim 13. Accordingly, Applicant respectfully submits that claim 13 is in condition for allowance.

Claims 18-23 depend from claim 13 and are believed to be in condition for at least the reasons discussed above and for the additional features recited therein.

Independent claim 29 recites "wherein the saddle member and the platen move generally transverse to the elongate member." As noted above, Sandried fails to disclose such a feature. Therefore, as Sandried does not disclose all the features of claim 29, Sandried cannot be said to anticipate claim 29. Accordingly, Applicant respectfully submits that claim 29 is in condition for allowance.

Claims 35-39 and 43 depend from claim 29 and are believed to be in condition for at least the reasons discussed above and for the additional features recited therein.

Consequently, it is respectfully submitted that all rejected claims are in allowable condition and withdrawal of this ground of rejection is respectfully requested.

All rejections and objections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Appln. No.: 09/994,088
Amendment dated August 11, 2005
Reply to Final Office Action mailed March 17, 2005

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: August 11, 2005

By:



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I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: *Michael R. Wright*

Application of: Jeffrey Trudeau

Application No.: 09/994,088

Filing Date: November 14, 2001

Title: Method And Apparatus For Clamping Surgical Wires Or Cables

Transmitted herewith are the following documents:

- X RCE Transmittal (1 page) in duplicate
- X Fee Transmittal (1 page) in duplicate
- X Petition for Extension of Time (1 page) in duplicate
- X Amendment (17 pages)
- X Return Postcard

Attorney Docket No.: 004608.00003